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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,037

03/19/2004

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7948

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12/22/2006

EXAMINER

SAID, MANSOUR M

ART UNIT

PAPER NUMBER

2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/22/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/805,037

Applicant(s)

RUIZ, DAVID M.

Examiner

MANSOUR M. SAID

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2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 20 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Doynov (2002/0163495 A1; hereinafter referred to as Doynov).**

As to **claim 1**, Doynov teaches a cursor control device (control apparatus, (figure 1, (10)) comprising: an input signal reader (sensing means, (figure 1, (12)) adapted to read an input signal created by movement of a surface across the input signal reader (figures 1-11 and column

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3, paragraph 0039 and column 3, paragraph 0041); a signal processing component (PLL, (figure 1, (13)) adapted to process the input signal from the reader and to communicate a corresponding signal to a controller (column 2, paragraph 0018 and column 3, paragraph 0038), wherein the corresponding signal is directly proportional to the input signal (figures –10 and column 3, paragraph 0038-0041); wherein the device maintains a substantially constant position relative to an active hand of a person when the person is using the active hand to operate a second device (figures 1-11, column 3, paragraph 0038-0041, column 4, paragraph 0042-0043).

**As to claim 2**, Doynov teaches wherein the device is hand-held (figures 1-6, column 2, paragraph 0016-0018 and column 3, paragraph 0038-0039).

**As to claim 3**, Doynov teaches wherein the input signal reader is an optical reader (figures 1-10, column 2, paragraph 0018, column 4, paragraph 0045, column 4, and paragraph 0050).

**As to claim 4**, Doynov teaches wherein the device is hand-held (figures 1-6, column 2, paragraph 0016-0018 and column 3, paragraph 0038-0039).

**As to claim 5**, Doynov teaches wherein the device is embodied in a substantially T-shaped body (in put devices in figures 1, 4-6 &10, have substantially T-shaped housing).

**As to claim 6**, Doynov teaches wherein the device is hand-held (figures 1-6, column 2, paragraph 0016-0018 and column 3, paragraph 0038-0039).

**As to claim 7**, Doynov teaches wherein the input reader is a touch-pad (figures 1, (15)), column 2, paragraph 0020, and column 3, paragraph 0041).

**As to claim 8**, Doynov teaches wherein the input reader is a track ball (figures 1-9, column 2, paragraph 0020, column 3, paragraph 0041).

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**As to claim 9**, Doynov teaches wherein the surface is human skin (figures 2 & 8-10, column 2, paragraph 0016 and column 3, paragraph 0038-0041).

**As to claims 10-12**, Doynov teaches wherein the skin is on a thumb of the active hand of a person (figures 1-10, column 2, paragraph 0021, column 3, paragraph 0039, column 4, paragraph 0051, and column 5, paragraph 0054).

**As to claims 13 and 19**, Doynov teaches wherein the device is ergonomic (figures 1-10, column 2, paragraph 0018, column 2, paragraph 0021-0022, and column 3, paragraph 0039).

**As to claim 14**, Doynov teaches wherein the device has been designed and shaped to be compact and sleek thus providing for the three dimensional space requirements required for integrated hand, mouse and keyboard usage (figures 1-10 and column 3, paragraph 0024).

**As to claim 15**, Doynov teaches wherein an attachable and detachable hook and loop type holding system maintains said hand held cursor control device in proper position (figures 1-10, column 4, paragraph 0042, and column 4, paragraph 0048).

**As to claim 16**, Doynov teaches wherein the device may be removably secured to the hand by a strap, glove, or other suitable means, or any combination thereof (figures 1-10, column 2, paragraph 18, column 3, paragraph 0038, column 4, paragraph 0043 and column 4, paragraph 0047-0048).

**As to claim 17**, Doynov teaches wherein the device can communicate to the controller using well known wired communications (such as USB or parallel) or wireless communications protocols (figures 1-10, column 2, paragraph 0018, column 3, paragraph 0038-0041, and column 4, paragraph 0046).

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As to claim 18, Doynov teaches wherein one or more switches are incorporated on said device so as to provide well-known integrated and auxiliary functions (figures 1-10 and column 2, paragraph 0020).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eng et al. (5,638,092) teach a cursor control system.

Mehr (6,462,732 B2) teaches a cursor control device is provided which allows the user to have almost full use of the fingers of the hand for a wide range of tasks.

Rothchild (2002/0171625) teaches a pistol-grip trackball mouse.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mansour M. Said whose telephone number is 571-272-7679. The examiner can normally be reached on Monday through Thursday from 8:30-6:00 P.M. The examiner can also be reached on alternate Friday from 8:30 a.m. to 5:00 p.m. EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mansour M. Said

12/15/06



**RICHARD HJERPE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**